

Defendants have moved to dismiss the complaint for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). Plaintiff's complaint is devoid of any allegation which would withstand a Rule 12(b)(6) motion at this time. However, as plaintiff proceeds *pro se*, he is permitted an opportunity to particularize his complaint.

### CONCLUSION

Accordingly, the court DENIES without prejudice defendants' motion to dismiss. Plaintiff is afforded to and including November 6, 2019, to file a particularized complaint. Plaintiff's failure to file a particularized complaint will result in dismissal of this action with prejudice. Defendants may re-file their motion to dismiss within fourteen days of plaintiff's filing of a particularized complaint. Plaintiff's motion to allow submission of evidence is denied without prejudice.

SO ORDERED, this 23 day of October, 2019.



TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE